

TESTIMONY OF NORM NEWHALL IN SUPPORT OF SB 285

SB 285

I am an attorney. However, I have no financial stake in this bill. As an attorney my fees for services to a workers compensation claimant in getting medical bills covered by the insurer are already paid under the present law, and regardless of the fate of SB 285. My only interest is to see that the laws be fair.

On the other hand, the insurers opposing SB 285 have an obvious financial interest to perpetuate the unfair consequence of the present law. Presently, if it is determined by the workers compensation court that an insurer has wrongly denied payment of a medical bill, the insurer is required to do only that which it should have done in the first place, namely, pay the bill. The claimant's attorney fees are deducted from the payment with the result that the medical provider, rather than the insurer, ends up paying the attorney fees.

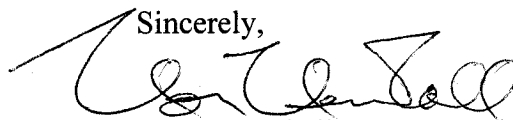
The only purpose of SB 285 is to correct this obvious unfairness. The medical provider has simply provided medical services and should not be responsible for payment of fees that have been necessitated by the insurer's conduct. As a practical matter the current law drives even more medical providers out of treatment for work related injuries, which only results in additional delay before injured workers are returned to work.

SB 285 is the same as SB 426 considered by the 2007 legislature. In 2007, the Montana Medical Association, hospitals and doctors actively supported SB 426 at committee hearings before the Senate and House. The bill received overwhelming bi-partisan support from the Senate Judiciary Committee and passed the Senate 47-3. Predictably, insurers opposed the 2007 bill and will do so again this year.

A vote in favor of SB 285 places the burden of attorney fees on the party whose conduct has created the need for an attorney and is a vote for fairness to Montana's medical providers.

I have practiced workers compensation law for 37 years and would be happy to answer any questions or concerns you may have regarding SB 285. I have also testified before legislative committees on many occasions and certainly appreciate the long hours and dedication to public service of you and the other legislators.

Sincerely,



Norm Newhall

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